KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Review Item:

703 KAR 5:080, Administration Code for Kentucky's Educational Assessment Program

Applicable Statute or Regulation:

KRS 158.6453, 703 KAR 5:080

History/Background:

Existing Policy. Since June 2006, the Kentucky Board of Education (KBE) has engaged in many conversations regarding change to the state assessment and accountability program. KBE discussions and decisions have modified the components of the assessment program with the addition of ACT assessments, adjusted accountability calculations with new content area weights and the establishment of a statistical link with a concordance process to transition from the old (1999-2006) to the new (2007-beyond) Commonwealth Accountability Testing System (CATS). The KBE gave final approval in February 2008 to three regulations (703 KAR 5:001, 703 KAR 5:020, 703 KAR 5:060) that define these changes.

The administrations of state-required assessments, both custom and purchased assessments, require that Kentucky educators adhere to appropriate and consistent testing practices. The use of assessment results in state and federal accountability calculations heightens the importance of statewide consistent administration practices. 703 KAR 5:080 incorporates by reference the document, *Administration Code for Kentucky's Educational Assessment Program,* that establishes appropriate testing practices for state-required assessments.

Annually, educators involved with administration activities for any state-required assessment must be trained on this regulation and certify with signature that they have read and will comply with the requirements of the regulation. In addition to the regulation, a test administration manual accompanies each assessment and provides specific directions for preparation of the test environment and test administration. Also, the regulation outlines an allegation process for reporting incidents where educators do not follow the requirements of the regulation.

The last revision to 703 KAR 5:080 was in June 1999. A new CATS requires that appropriate testing practices be updated.

Policy Issue (s):

Proposed changes to the Administration Code clarify areas where frequent questions are received, and update or remove statements that do not apply to the current system. Many

of the proposed changes will place in the regulation operational policies that have developed since inception of the CATS in 1999.

One section of the regulation, Classroom Materials, has generated much discussion and conflicting opinions among stakeholders. The School Curriculum, Assessment and Accountability Council (SCAAC) and the District Assessment Coordinators Advisory group advocate the complete removal of classroom materials (i.e., posters) during test administration to prevent inappropriate use. The Local Superintendents Advisory Council (LSAC) was concerned that removal of classroom materials changes the class environment too dramatically and places an extra burden on teachers. Staff has proposed that classroom materials displayed to support instruction may remain during test administration, but students shall not access the materials during testing. This maintains the original intent of the regulation, but provides additional examples to keep the focus of the classroom materials on instruction.

The basic structure of the proposed revised document maintains the same sections and examples of acceptable and not acceptable practices. An update to the format has been to move examples of practices from the narratives in the sections to the two column format that shows a table of acceptable and not acceptable practices. The examples of acceptable and not acceptable practices have been arranged in a side-by-side order to provide information on the same administration issue.

To assist with review of the revised Administration Code document, new proposed language is underlined and language proposed to be removed is bracketed with a strikethrough. Original language that has been reformatted to a new location in the regulation has not been highlighted. A brief description of proposed changes for each section is found below.

Rationale
- Added reference to multiple state-required assessments (page 3).

Appropriate Assessment Practices
- Removed reference to student participation that has been confusing (page 4).
- Added language to clarify training of Administration Code must be done during a dedicated time annually, verified with signature statements, and records of training maintained in district (page 4).

Test Security
- Clarified that noncertified persons must sign a nondisclosure form (page 5).
- Added language that items shall not be deliberately reviewed or read (page 5).
- Updated technology statements with references to portable (flash) drives, wireless electronic devices and e-mail (page 5).
- Clarified scoring of test items and rough drafts is not permissible and scanning of items for good faith effort is not a complete reading of the student response (page 6).
- Clarified timeframe for distribution of test manuals (prior to testing window) and test booklets (first day of testing) (page 6).

- Clarified locked storage requirements for security of test booklets (page 6).
- Removed language on scanning of secure materials that is no longer necessary with online testing (page 7).

Procedures for Reporting Errors in Assessment Materials
- Added reference to e-mail, changed language slightly, but made no change to procedure (page 7).

Classroom Materials
- Clarified that classroom materials shall not provide a testing advantage and shall not be added to any surface in a classroom for assessment purposes (page 7).
- Clarified that classroom materials posted to support instruction can remain in the testing location, but students must not be trained to use the materials during state-required testing, must be monitored to prevent access to classroom materials during testing, and testing locations shall not be rearranged or changed to access classroom materials (page 8).
- Added that specific directions in test manuals must be followed regarding classroom materials to ensure reportable scores. For example, EXPLORE, PLAN and ACT assessments require classroom materials (i.e., posters) be removed during testing (page 8).
- Added language regarding policies on sharing of calculators, using color overlay sheets and bookmarks, and reading of classroom materials to students (page 8).

Administration Practices
- Clarified that educators cannot assist students with answers or make evaluative statements during testing (page 9).
- Clarified testing procedures of disruptive students and students with reading and scribing accommodations (page 10).
- Clarified monitoring of breaks, movement of students, and seating and space requirements in testing locations (page 10).
- Added language regarding altering test schedule to provide accommodations, preventing students from working ahead, returning to completed parts of the test and using extended time, and managing make-up testing sessions (page 11).

Test Preparation and Student Motivation/Rewards
- Clarified that normal instruction may continue during testing, review of content cannot be modified based on items in test booklets, test preparation must link to and be embedded in regular content instruction (page 12).
- Clarified that good faith effort checklists must be shared with parents and may include a pre-write requirement. Students shall determine the type of pre-write and shall not be required to develop a complete first draft (page 13).
- Clarified that reward systems cannot be implemented solely for state assessments and incentives must come from donations (page 13).

Writing Portfolio Development and Scoring
- Clarified separate courses for portfolio development are not acceptable and excessive time shall not be spent on portfolio development (page 14).

- Clarified that districts may establish earlier completion and accountability dates for portfolios and that transfer and newly enrolled or transfer students must be provided writing instruction and their writing portfolios scored (page 15).
- Added assignment of performance levels to portfolios prior to official scoring is prohibited and a substitute teacher that is certified can score portfolios (page 16).

Inclusion of Special Populations
- Updated reference to Program Services Plan (PSP) and removed unnecessary reference to modifications (page 16).

Alternate Assessment
- Updated language to reflect current alternate assessment requirements and to emphasize training and security of materials (page 17).

Violations of Administration Code for Kentucky's Educational Assessment Program
- Updated language to CATS Allegation Coordinator and removed outdated reference to baselines, but no change to process (pages 17-19).

Review of Secure Assessment Components by Parents and Persons not in Employment of a Kentucky Public School District
- Removed out-of-date language and clarified that staff of the Kentucky Department of Education will facilitate any review of secure materials (page 19).

Proper Reporting of Nonacademic Indicators
- Added graduation rate to the nonacademic indicators (page 20).

Signature Page
- Removed multiple signature lines (page 21).

Groups Consulted and Brief Summary of Responses:

Staff established a work team including school and district personnel and KDE staff from other offices. Administration Code issues have been discussed with District Assessment Coordinators, the School Curriculum, Assessment and Accountability Council (SCAAC) and the Local Superintendents Advisory Council (LSAC). The Local Superintendents Advisory Council will provide input on the regulation at their June meeting. Staff will continue to seek input that can be shared in June.

Impact on Getting to Proficiency:

Holding schools accountable for progress is a key element in meeting proficiency by 2014. As we move closer to 2014 it becomes increasingly important for schools to thoroughly understand the requirements of the assessment and accountability system including administration rules so that schools may focus their efforts on ensuring every child is proficient and prepared for success.

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Deputy Commissioner   **Commissioner of Education**

Date:

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